

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 1, 2019

## Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

### Requested Motion

Motion to approve Capital Project Ordinance Amendment No. 4 and Budget Ordinance Amendment No. 4 to appropriate funds for legal services and repairs related to Public Safety Station #5.

### Approval Recommended?

Yes

### Item Details

The Town is currently involved in litigation in the matter of A.B. Goodrich Contracting, LLC v. Town of Apex and Stewart-Cooper-Newell Architects, P.A. regarding the construction of Public Safety Station #5 (PSS#5). Outside legal services to continue in the defense of this lawsuit will be required. Additionally, the bio-retention cell at PSS#5 is not functioning properly and is in need of repair. While the cost of this repair and the contractor's responsibility for the repair is part of the lawsuit, funding is needed to make repairs now while the litigation proceeds.

Legal Services are estimated at approximately \$180,000 and the bio-retention cell repair costs are estimated at \$90,000. The source of funding for the amendments will be appropriated fund balance from the General Fund.

### Attachments

- Budget Ordinance Amendment No. 4
- Capital Project Ordinance Amendment No. 4

